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UN

UNITED NATIONS
COUNCIL FOR NAMIBIA

Meetings at Algiers, Algeria

28 May - 1 June 1980

"The General Assembly . . . reiterates that Namibia is the direct responsibility of the United Nations until genuine self-determination and national independence are achieved in the Territory and, for this purpose, reaffirms the mandate given to the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence;"

—General Assembly resolution 34/92 of 12 December 1979

UNITED NATIONS COUNCIL FOR NAMIBIA

MEETINGS AT ALGIERS, 28 MAY TO 1 JUNE 1980

Organization of the Meetings

By resolution 34/92 of 12 December 1979, the General Assembly requested the United Nations Council for Namibia, in the implementation of its responsibilities as the legal Administering Authority for Namibia until independence, to hold a series of plenary meetings in Africa in 1980 at the highest possible level, as and when required for the further proper discharge of its functions.

The Council for Namibia decided, on 23 April 1980, to accept the offer of the Government of Algeria to host the extraordinary plenary meetings of the Council, to be held at Algiers from 28 May to 1 June. The provisional agenda of the meetings, approved by the Council on 7 May, was the following:

1. Adoption of the agenda;
2. Consideration of the situation in Namibia:
   (a) reports of the Council's missions of consultation;
   (b) report on the political and social situation in Namibia;
   (c) report on the military situation in Namibia;
   (d) report on economic conditions and the role of foreign economic interests in Namibia;
3. Consideration of the implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia;
4. Adoption of a draft declaration;
5. Closure of the extraordinary plenary meetings.

Invitations to attend and address the extraordinary plenary meetings were extended to: the President of Algeria; the President of the General Assembly; the Chairman of the Special Committee on Decolonization; the Chairman of the Special Committee against *Apartheid;* the Chairman of the Group of Non-Aligned Countries at the United Nations; the President of the South West Africa People's Organization (SWAPO); and the Secretary-General of the Organization of African Unity (OAU).

Also invited to attend the Algiers meetings were: the Chairman of the Senate of the United Nations Institute for Namibia; the Executive Secretary of the Economic Commission for Africa (ECA); the Executive Secretary of the OAU Co-ordinating Committee for the Liberation of Africa; representatives of the specialized agencies of which the Council for Namibia is a member—the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO); the representative of the United Nations Development Programme (UNDP); the Director of the United Nations Institute for Namibia; representatives of the African National Congress (ANC) of South Africa and the Pan Africanist Congress of Azania (PAC); and other individuals and representatives of non-governmental organizations.

The 31 member States of the Council are: Algeria, Angola, Australia, Bangladesh, Belgium, Botswana, Bulgaria, Burundi, Chile, China, Colombia, Cyprus, Egypt, Finland, Guyana, Haiti, India, Indonesia, Liberia, Mexico, Nigeria, Pakistan, Poland, Romania, Senegal, Turkey, the Union of Soviet Socialist Republics, the United Republic of Cameroon, Venezuela, Yugoslavia and Zambia.

The Federal Republic of Germany and Panama attended the Algiers meetings in the capacity of observers.

Solemn Opening Meeting

At the solemn opening meeting of the Council's extraordinary plenary meetings at Algiers on 28 May, a minute of silence was observed in the name of Namibian patriots who have fallen in the struggle for self-determination, freedom and independence in a united Namibia.

The extraordinary plenary meetings were inaugurated by the Minister for Foreign Affairs of Algeria, Mohamed Seddik Benyahia. A message from the Secretary-General of the United Nations, Kurt Waldheim, was read on his behalf by Issoufou S. Djermakoye, Under-Secretary-General for Political Affairs, Trusteeship and Decolonization. The inaugural meeting concluded with a statement by the President of the United Nations Council for Namibia, Paul J.F. Lusaka (Zambia).

On 30 May, the Permanent Observer of the South West Africa People's Organization (SWAPO) to the United Nations, Theo-Ben Gurirab, addressed the extraordinary plenary meetings of the Council on behalf of the President of SWAPO, Sam Nujoma.

General Debate

In the general debate held by the Council from 29 to 31 May 1980, Council members emphasized the importance of the extraordinary plenary meetings of the Council at Algiers at a time when the struggle of the Namibian people for independence had reached a crucial stage.

All Council members strongly condemned the policies of repression and terror South Africa had imposed in Namibia and the escalation of its military operations against Namibian patriots under the leadership of SWAPO and against independent African countries.

Council members were of the view that South Africa had used dilatory manoeuvres to impede the implementation of United Nations resolutions on Namibia, particularly Security Council resolutions 385 (1976) and 435 (1978). In this regard, many Council members said that South Africa's reply of 12 May 1980 should be treated as a rejection by South Africa of those resolutions; a few members disagreed with that view.

The majority of members shared the view that the Security Council should adopt mandatory sanctions under Chapter VII of the Charter of the United Nations to ensure South Africa's compliance with United Nations resolutions.

The overwhelming majority of members indicated that the Western Powers which were South Africa's major trading partners should exert pressure on South Africa to withdraw from Namibia. The support which

South Africa received from such countries had allowed it to continue its illegal occupation of Namibia and its illegal exploitation of the Territory's natural resources.

The majority of Council members expressed their strong support for SWAPO, recognized by the General Assembly as the sole and authentic representative of the Namibian people, and emphasized the need for increased support for the liberation struggle of the Namibian people under the leadership of SWAPO.

The overwhelming majority of members emphasized the need to preserve the territorial integrity of Namibia, including Walvis Bay, the Penguin Islands and other islands off the coast of Namibia.

Council members condemned South Africa and all foreign economic corporations illegally exploiting Namibia's natural resources in contravention of United Nations resolutions and of Decree No. 1 for the Protection of the Natural Resources of Namibia, stressing that foreign economic interests in Namibia contributed significantly to the continuation of the illegal occupation of Namibia by South Africa. In this regard, the majority of the Council members were of the view that steps must be taken to effectively implement Decree No. 1.

Adoption of the Algiers Declaration and Programme of Action on Namibia

On 1 June 1980, at the conclusion of its extraordinary plenary meetings at Algiers, the United Nations Council for Namibia adopted the Algiers Declaration and Programme of Action on Namibia, the text of which appears on page 16.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ALGERIA, MOHAMED SEDDIK BENYAHIA

The Minister for Foreign Affairs of Algeria, Mohamed Seddik Benyahia, said that, in the present extremely decisive phase for the freedom of the peoples of southern Africa, the deliberations on which the Council for Namibia was about to embark assumed very great significance: not only did they concern the achievement of independence by Namibia but, in addition, they were aimed at securing the triumph of law and justice, thus contributing to the surer promotion of peace and security in a particularly sorely afflicted region of the African continent, which still lived under the threat of the racists of Pretoria and was subjected to constant aggression by them.

However, the Foreign Minister continued, the independence of Zimbabwe, which had been proclaimed only a few weeks previously, had revealed the futility of bogus solutions and the urgent need for determined action to meet the wishes of the oppressed peoples. Hope was growing and taking shape in that region, he said, and it was essential not to lag behind history where the freedom of peoples and their right to self-determination were concerned.

Continuing, Mr. Benyahia said that unremitting and remarkable though the efforts of the United Nations Council for Namibia had been on behalf of the people of Namibia and their just struggle, they had unfortunately been constantly hampered and challenged by the refusal of the Pretoria regime to conform to international legality and by its policy of domination and exploitation in a Territory to which it could lay no claim. That attitude, involving violation of the law and rebellion against the decisions of the international community, had invariably been reinforced by the connivance and complicity which South Africa had always enjoyed from certain Powers, he stated. Sure of that support, the Pretoria regime had always felt encouraged in its annexationist designs on Namibia. Thus, following the end of the Second World War, when the international community was proclaiming its faith in the equality of peoples and their right to self-determination, South Africa was already blatantly trying to win backing from the emerging United Nations Organization for its aim of making the Territory of South-West Africa into its fifth province.

The Algerian Foreign Minister noted that when the General Assembly had refused to endorse a proposal manifestly contrary to the spirit and letter of the Charter, the Pretoria regime, basing itself on specious legal arguments, had opposed the Territory's being placed under the international trusteeship system and had refused to co-operate with the United Nations in preparing the Territory's accession to independence.

For twenty years, Mr. Benyahia said, the United Nations General Assembly had striven unceasingly but vainly to induce the occupying Power to recognize the international status of the Territory before deciding, by a historic resolution of 27 October 1966, to terminate South Africa's mandate and proclaim the direct responsibility of the United Nations for the administration and decolonization of Namibia.

The establishment of the Council for Namibia in 1967, at the fifth special session of the General Assembly, was, in the first place, a reaction of the universal conscience to the arrogance and defiance of a regime doubly culpable by virtue of its rebellion against international legality and its policy of *apartheid*, which was today universally condemned as a crime against humanity. The establishment of the Council by the United Nations was, Mr. Benyahia added, also an act of faith by which the Organization sought to discharge its collective commitment towards the Namibian people by assuring them of the conditions which would enable them, like many other African peoples, to regain their freedom and take their place among the community of independent nations.

There was no ignoring the highly symbolic significance of that decision by the international community. Whereas, in the past, the only councils of State known to man had been closed societies which had carved out empires commensurate with their greed and had disposed of and subjugated the peoples of the world, the United Nations Council for Namibia had the distinction of being the first to embody the aspirations of a people and to guide their struggle, to administer a country and promote the attainment of its independence with respect for its territorial integrity and national unity, to form the generation which, from then on, would have to assume responsibility for the country's economic, social

and cultural development. The Council had performed estimable work, which was a glorious example of human intellect exercised on behalf of man's welfare and progress, Mr. Benyahia said. It was all the more estimable in view of the obstacles placed in the way of the discharge of the Council's mandate by those very persons whose daily actions were designed to debase man by prohibiting access to a Territory which the Council was responsible for administering and by continuing to exploit the natural resources protected by the Council's Decree No. 1. It had become clear, Mr. Benyahia said, that those who had contributed to strengthening the war machine of the Pretoria regime or had frustrated the minimal sanctions imposed on South Africa by the international community fell into the same camp and shared the same ideology.

Hence, two years after the five-Power proposal for a settlement of the Namibian situation had been endorsed by the Security Council, the facts were there to bear out the misgivings and concerns expressed at the time. South Africa continued to defer the holding of free elections under United Nations control and supervision. The plan, which had expressly provided for Namibia to accede to independence by 31 December 1978 at the latest, had so far not even begun to be applied, despite the constantly reaffirmed willingness of SWAPO and the front-line countries to work faithfully towards its implementation.

The fact remained, Mr. Benyahia continued, that the Pretoria regime did not want to relinquish its domination over Namibia. The intensification of the war of extermination which it was waging in the Territory and the diversions to which it was resorting clearly demonstrated that that regime had no intention whatsoever of abandoning its consistent position of seeking to impose a so-called internal settlement designed to enable it to maintain its seizure and control of Namibia for all time.

South Africa had never in fact denied that it was attempting to win international endorsement for that objective. That was why it had stepped up its demands regarding the implementation of the proposal for a settlement of the Namibian question. Everyone was aware of the latest such demand. Called upon to accept the principle of a demilitarized zone between Namibia, on the one hand, and Angola and Zambia, on the other, South Africa was demanding nothing less than the disarming of the SWAPO forces and a substantial number of emplacements of its own forces within the demilitarized zone. In those circumstances, Mr. Benyahia stated, it was no longer possible to accept the attitude of those who persisted in showing consideration towards such a regime when it obstinately rejected all efforts to bring about the genuine and complete decolonization of Namibia. It was necessary to accept the full implications of that law of history whereby independence is won and wrested, not negotiated. It was obvious that South Africa would only do justice to the Namibian people under constraint. The Namibian people had fully grasped that point and, under the leadership of SWAPO, had stepped up their armed national liberation struggle against an enemy which was not only heavily armed but which enjoyed impunity and powerful material support.

Since the legitimacy of their struggle was universally recognized, the people of Namibia had a right to expect, at the present critical stage for

Namibia's future, that the international community would render them decisive moral and material support, Mr. Benyahia declared. In the present circumstances, when all efforts and initiatives to arrive at a political solution on the basis of the resolutions of the Security Council had resulted in failure, when the measures taken against the supporters of *apartheid* had proved inadequate and when the threat to peace and security was growing in that region, the United Nations had a duty to apply the provisions of its Charter to induce South Africa to respect its decisions. For almost two decades, Africa had unanimously and unceasingly demanded not promises but specific and effective measures to end South Africa's illegal occupation of Namibia and its hegemonistic designs on the southern part of the continent. South Africa's repeated acts of aggression against the countries neighbouring Namibia were a clear indication of its expansionism and its desire to carry out its plans for the political and economic "satellization" of all the sovereign States of the region.

The aggression which the South African army had committed three days previously against Angola was a new and sinister illustration of that policy, Mr. Benyahia declared. Such actions against the countries of the region revealed an elaborate strategy which made even more disturbing the nuclear capability acquired by South Africa thanks to the solicitude of certain western Powers and the assistance of natural allies such as Israel. In the face of such dangers, no procrastination was admissible, for it would constitute a denial of justice to the Namibian people and an abdication of responsibility in respect of a rebel regime.

At the very moment when the area of colonial domination in the African continent was dwindling, particularly after the victory of the people of Zimbabwe, Africa, concerned for Namibia, turned to the Council for Namibia. Africa was all the more insistent in that it was conscious of how urgent and vitally necessary it was for its security, development and prosperity to complete its independence and to banish oppression, exploitation and shameless violation of the fundamental rights of individuals and peoples for all time.

The Algerian people, who until only recently had been oppressed and exploited, could not but display their firm solidarity with the people of Namibia, as they had done in the past with regard to genuine initiatives aimed at the liberation of peoples, the Algerian Foreign Minister declared. Having won its independence after a long armed struggle of national liberation, Algeria appreciated the exemplary nature of SWAPO's struggle for the emancipation of Namibia and its rejection of the barbarous practice of *apartheid*. The very history of decolonization had shown that liberation could be born only out of peoples' own struggle. Independence had always been won by violent actions and many-sided struggles against totalitarian regimes which had denied the very existence of freedom or based social order on so-called racial superiority.

Mr. Benyahia recalled that, since substituting itself for the trusteeship authority in the second decade of the twentieth century, the Pretoria regime had not failed to act in accordance with that logic of domination and alienation, by endeavouring to dispose of a people and

a land when the international community was disseminating on a worldwide basis the principle of the equality of peoples and proclaiming their right to self-determination, and by opposing the decision of mankind, deriving from the Charter of the United Nations or the Covenant of the League of Nations, in relation to the organization and preparation of the accession to independence of the people of Namibia.

There could be no doubt, Mr. Benyahia stated, that the present situation in the third world revealed those pernicious assaults on and constant challenges to international moral values. Colonialism and imperialism replaced the logic of the free and prosperous evolution of all peoples of the world with aggression against sovereign and independent States or repression of subjugated peoples, while continuing to adhere to the structures of exploitation. In place of the logic of the development of all human beings in solidarity and equality, they offered contempt for human dignity and fascist-style ideologies vaunting the separate development of races and their elitist stratification.

Concluding his statement, the Algerian Foreign Minister said that the tasks and responsibilities of the Council for Namibia were, of course, established by texts which the United Nations had formulated to enable it to accomplish its mission. However, beyond texts and decisions, the Council had a moral and political responsibility which made it duty-bound to take all necessary measures to prevent and denounce all machinations, of whatever origin, designed to delay independence for Namibia. Because of that moral authority possessed by the Council for Namibia, and because it had the confidence and solidarity of peoples in those efforts, it must be in a position to dissuade any Power from weakening its action or thwarting its decisions. The Council for Namibia had a historic responsibility which it could not but fully assume. Mr. Benyahia said that he wished to reiterate Algeria's confidence in the Council and to wish it every success in its work, convinced as he was of its commitment to the Namibian people and their sole and legitimate organization, SWAPO, until the achievement of final victory.

MESSAGE FROM THE SECRETARY-GENERAL, KURT WALDHEIM

In his message to the extraordinary plenary meetings of the Council for Namibia at Algiers, the Secretary-General, Kurt Waldheim, said that the achievement of genuine independence in Namibia was a matter of the highest importance for the United Nations. He noted that the Council for Namibia had worked continuously and tirelessly on behalf of the Namibian people and had never ceased to defend and safeguard their rights and to sustain their cause the world over. The Council had fully succeeded, Mr. Waldheim added, in presenting to the international community the nature of the problems at stake in Namibia and had managed to gain the support and ensure the co-operation of Member States, organizations and public opinion with regard to the goals defined by the United Nations.

The Secretary-General declared that history had shown that the process of decolonization, to which the United Nations was deeply committed, was irreversible. Any attempt to oppose it would only result in arousing the resistance of those peoples whose rights had been denied. The situation in Namibia had long been characterized by a host of obstacles. The choice in Namibia was clearly between a conflict which risked daily escalation or the rapid transfer of power to the people of Namibia on the basis of free and fair elections under the supervision and control of the United Nations. The latter solution had been the choice of the Security Council when it adopted resolution 435 (1978) on 29 September 1978.

Since the adoption of that resolution, the Secretary-General said that he had made every effort to resolve the differences which had impeded its application. He had also examined with the parties concerned the proposal, first put forward by the late President Neto of Angola, for a demilitarized zone as a means to break the deadlock. Mr. Waldheim said that he considered that such a demilitarized zone constituted a practical solution which could speed implementation of resolution 435 (1978). He recalled that a few months earlier he had sent a mission to southern Africa to discuss the technical aspects of that proposal, and that the mission had held detailed talks with the front-line States, with SWAPO and with South Africa. Mr. Waldheim noted that the respective positions of those parties were contained in his report of 31 March 1980 to the Security Council. He also recalled that he had recently received a letter from the Government of South Africa stating its position with regard to the proposal and requesting certain clarifications of several other matters. The Secretary-General said that he was aware of the concern that had been expressed in relation to the South African letter and that he was currently consulting with all the parties concerned with regard to the matter. He assured the Council that his response would be in conformity with the spirit and letter of Security Council resolution 435 (1978), as well as with the provisions of the United Nations Charter.

Concluding, the Secretary-General said that the situation in Namibia had reached a point at which indispensable political decisions had to be taken and that the efforts made to resolve the problem must transcend, without delay, the stage of discussion to that of action. If the opportunity for a peaceful and speedy settlement of the question were lost, he said, the consequences for the peace and stability of the region would be very severe.

STATEMENT BY THE PERMANENT OBSERVER OF SWAPO TO THE UNITED NATIONS, THEO-BEN GURIRAB

The Permanent Observer of the South West Africa People's Organization to the United Nations, Theo-Ben Gurirab, said that SWAPO saw the situation in Namibia as ominous, with ghastly consequences for southern Africa. The racists and their imperialists mentors, he stated, were intensifying their political subterfuge and beefing up their military arsenals for

terrorism and aggression. They were waging psychological warfare and economic blackmail through a sinister campaign of destablization and sabotage throughout southern Africa.

On the one hand, Mr. Gurirab declared, they talked of peace and co-existence, but on the other hand they continued to bomb, destroy and kill. They talked of co-operation but their actions only created conditions for ever-escalating discord and war in the region.

Continuing, Mr. Gurirab said that the question of Namibia was above all a colonial problem which called for nothing less than total decolonization leading to genuine independence of Namibia, including Walvis Bay. The legitimacy of the struggle of the Namibian people by all necessary means, in particular the armed struggle being waged by SWAPO, had been recognized by the international community with the exception of racist South Africa and its allies, he said.

SWAPO regarded the Council for Namibia as a fellow adversary and a partner against the illegal occupationist regime of Pretoria until Namibia had acceded to full and unfettered independence.

There was a dire need for rethinking and refocusing within the United Nations concerning the question of Namibia, Mr. Gurirab said, and added that the basic principles upon which the question of Namibia rested were:

—that Namibia remained the direct responsibility of the United Nations;

—that Namibia was a colony illegally occupied by racist South Africa;

—that Walvis Bay was an integral part of Namibia and was non-negotiable now or in the future;

—that all actions, unilateral measures and illegal acts by the occupying regime were null and void and of no consequence to the genuine independence of the Territory, whether through the bullet or the ballot;

—that the two principal parties to the colonial conflict were SWAPO and the Boer junta representing the colonial interests;

—that the Council for Namibia should never allow a situation to arise whereby its authority and responsibility were usurped and undermined;

—that the Council should devise more effective methods to give practical effect to its Decree No. 1 for the Protection of the Natural Resources of Namibia; and

—that the just and legitimate struggle of the Namibian people under the leadership of SWAPO, their sole and authentic representative, should be given all-round and increased material, military, political, financial and diplomatic support and assistance to further intensify its struggle for the liberation of Namibia.

Those were some of the essential elements which derived from the mandate of the Council, the Permanent Observer of SWAPO declared.

As to the recent so-called reply to the Secretary-General from racist South Africa, Mr. Gurirab said that SWAPO's considered view was that it was negative; it put the United Nations plan on ice for a very long time to come. The reply, in effect, indicated that the United Nations plan was dead. It was a rejection, he said.

South Africa's intransigent position had remained exactly the same since the adoption of Security Council resolution 435 (1978). It insisted on the same outrageous and extraneous demands which, if agreed to, would legitimize the installation of a puppet regime of its own choosing in the Territory to the detriment of the interests of the heroic struggle being waged by the Namibian patriots.

Mr. Gurirab recalled that the Secretary-General had observed in his report of 31 March 1980 that all the pertinent information and clarifications had been given by the United Nations and that "we have come to the point where the necessary political decisions have to be taken to move this matter from the stage of discussion to the stage of implementation". SWAPO was ready and willing to co-operate fully in the implementation, beginning with a cease-fire between it and the Boers, Mr. Gurirab said, and leading to free and fair elections under the supervision and control of the United Nations. Clearly, he declared, racist South Africa had prevented implementation by its words and actions.

Concluding, Mr. Gurirab said that the Council for Namibia should urge and invite the Security Council to impose comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations against the illegal regime of South Africa as the only effective alternative to end that illegality. Meanwhile, the Council for Namibia and SWAPO should endeavour to secure increased support and co-operation in the common struggle for the liberation of Namibia. The final document of the plenary meetings at Algiers must be a programme of concrete action, Mr. Gurirab said, and not merely a reaffirmation of previously expressed principles.

STATEMENT BY THE PRESIDENT OF THE UNITED NATIONS COUNCIL FOR NAMIBIA, PAUL J. F. LUSAKA (ZAMBIA)

The President of the United Nations Council for Namibia, Paul J. F. Lusaka (Zambia), said that after ten years of heroic struggles in which many Namibians had lost their lives and during which the Namibian people had received increasing support from the international community and also from the United Nations itself, an effort had been made to establish the conditions for a negotiated settlement of the question of Namibia with the adoption by the United Nations Security Council of resolution 385 (1976) on 30 January 1976. While many laborious and frustrating steps were being taken to advance a negotiated settlement, the Council for Namibia had maintained its steadfast support for SWAPO, intensified its activities of political mobilization and expanded its programme of assistance to the Namibian people.

Throughout the negotiations, Mr. Lusaka stated, SWAPO had always acted with great statesmanship and vision as, at the same time, it had intensified the armed struggle and revealed to the world the demoralization of South African troops whose soldiers were deserting the colonialist and racist Pretoria regime and finding homes in other parts of

the world. It had been the blood of Namibian heroes, Mr. Lusaka declared, that had awakened the conscience of the international community to the brutal exploitation of the people and resources of Namibia, and it had been the struggle of SWAPO assisted by the international community that had brought South Africa to the negotiating table. The United Nations had envisaged general elections under its supervision and control as the key element of a series of transitional measures, endorsed by Security Council resolution 435 (1978), for the achievement of independence in Namibia.

Once the terms of a negotiated settlement were firmly agreed upon, Namibians would have the opportunity to participate in free and fair elections under United Nations supervision and control. The recent elections in Zimbabwe had shown the world how successful patriotic forces could be in free and fair elections, Mr. Lusaka said, and added that he had no doubt that given the same atmosphere of free and fair elections under the aegis of the United Nations, SWAPO was bound to win. That was probably the reason why the South Africans were dragging their feet, he declared.

The establishment of a demilitarized zone was also a fruitful and important concept in the unfolding of the negotiations but, Mr. Lusaka noted, its application had to be based on the equal treatment of the parties concerned, namely South Africa and SWAPO.

In the implementation of the resolutions of the Security Council, the Secretary-General, Kurt Waldheim, had played an important role with his outstanding skill as a patient and tenacious mediator, Mr. Lusaka declared. But above all, the Secretary-General was bound by the decisions of the Security Council as well as by the resolutions of the General Assembly in developing his efforts to implement a negotiated settlement. Namibia was the responsibility of the United Nations until independence, and any action to be taken involved all United Nations resolutions as background for the final achievement of Namibian independence. After prolonged negotiations, it was clear that the international community looked with impatience for the implementation of the relevant resolutions of the Security Council.

Much effort had been spent in opening a path for a negotiated settlement. The raising of irrelevant issues to distract attention from the main elements of the negotiated settlement was a vain manoeuvre. The issues had been exhaustively reviewed; no one could be misled in the interpretation of issues which were now thoroughly understood. South Africa should learn from the wisdom of the people of Zimbabwe, who were building their independence with the full awareness of contemporary realities. South Africa should learn from the strength of the commitment of Namibian patriots to the liberation of their land from the oppression of the illegal occupation regime.

The international community had shown that it would not remain indifferent to the suffering of the Namibian people, Mr. Lusaka said. The wheels of history turned slowly but they turned nonetheless and eventually gathered speed that none could arrest. For too long the Namibian people had been victims of the colonialist and racist occupation of South Africa. Countless Namibians had suffered harassment, detention, torture

and execution in the attempt of the Pretoria regime to perpetuate its control over the people and resources of Namibia. Namibian workers had had to work for starvation wages, separated from their families and restricted to intolerable living quarters. In fact, the policies of South Africa in Namibia constituted a form of genocide against the African population. The rules and regulations put into force by the occupation regime had established a repressive atmosphere of terror imposed by the State. At the same time, throughout the years, South Africa had systematically put into practice its abominable system of *apartheid*, which had been condemned as a crime by the international community. That system had been further reinforced by the policy of so-called "homelands" in an attempt to divide the people of Namibia for South Africa's own nefarious purposes. It had established tribal armies and recruited mercenaries in a desperate effort to prevent the fulfilment of the legitimate aspirations of the Namibian people to self-determination, freedom and independence in a united Namibia.

Continuing, the President of the Council for Namibia stated that South Africa had also pursued a course of action aimed at destroying the territorial integrity of Namibia. Walvis Bay, which was tied to Namibia by geographic, cultural and economic links, had been the object of governmental decrees of annexation in the vain hope of preserving South African control over Namibia under all circumstances. The General Assembly had condemned those activities by South Africa as illegal, null and void. More recently, South Africa had persistently manoeuvred to upgrade its racist supporters and present them to the international community as members of the so-called "national assembly", the election of which had been declared null and void by the Security Council.

SWAPO had met those challenges with courage and firmness. The People's Liberation Army of Namibia, which had been no more than a handful in 1966, had grown to become a strong and heroic vanguard of the liberation struggle of the Namibian people.

The United Nations Council for Namibia was fully aware of the dimensions of the challenge posed to the international community by the illegal administration of South Africa in Namibia, Mr. Lusaka stated. The Council, as the legal Administering Authority for Namibia until independence, had throughout the years intensified international political mobilization to press for the withdrawal of the illegal South African administration. The Council had firmly supported SWAPO as the sole and authentic representative of the Namibian people, as recommended by the Organization of African Unity when the Council, in its early days, had received the petitions of Namibians who had presented to it a grave and disturbing picture of the situation in Namibia.

The Council, in consultation with the United Nations Commissioner for Namibia and SWAPO, had endeavoured to develop programmes of assistance to the Namibian people. The results had been most gratifying, Mr. Lusaka declared. They reflected not only the commitment of the United Nations to the legitimate aspirations of the Namibian people but also the increasing willingness on the part of the international community to render material assistance for the cause of Namibia. The United Nations Fund for Namibia had grown substantially from year to year. The estab-

lishment of an indicative planning figure for Namibia by the United Nations Development Programme was a significant victory to sustain the credibility of the United Nations in its effort to assist the Namibian people. The United Nations Institute for Namibia, established in Lusaka, Zambia, was a unique achievement of the United Nations that clearly reflected the decisive capability of international action in support of a just cause. The Institute, with 300 students, had graduated its first class in December 1979. They would constitute the nucleus of devoted Namibian patriots who would be prepared for the arduous task of organizing a new and independent Namibia. The Nationhood Programme, a broad set of projects to train Namibians in many new areas of competence, had received substantial funds from Governments and the specialized agencies of the United Nations to expand to the utmost the skills of the ever-increasing generations of young Namibians. In the context of the Nationhood Programme, the Government of Angola had generously offered to host an important centre in basic skills for Namibians, to be established with the assistance of the international Labour Organisation.

The Council for Namibia had been profoundly aware of the devastating consequences for the future of Namibia of the ruthless exploitation of the natural resources of the Territory by foreign economic interests in collusion with the illegal administration of South Africa in the Territory. It was against that background that the Council had enacted Decree No. 1 for the Protection of the Natural Resources of Namibia. In that connexion, Mr. Lusaka noted, the Council had decided to draw the urgent attention of the international community to the exploitation of uranium and to carry out extensive hearings to expose to the international community the scale of the plunder of the natural resources of Namibia, and it would certainly formulate important measures for consideration and approval by the forthcoming session of the General Assembly.

In conclusion, Mr. Lusaka declared that the struggle of the Namibian people to fulfil their legitimate aspirations was its own reward. In the struggle, Namibians had gained insights into the complexity of the contemporary world and had mastered many of the difficult techniques which would serve them well in the peaceful construction of a free and independent Namibia. The Council would do its utmost to bring that day even closer to reality. Thus, Mr. Lusaka stated, let no one underestimate the commitment of the Council to implement its mandate as the legal Administering Authority for Namibia until independence in support of the aspirations of the Namibian people. The Council would not hesitate to recommend any action that in its considered view would serve the cause of international peace and security as well as freedom and national independence in a united Namibia for the people of that Territory.

The cause of Namibia was a just one, Mr. Lusaka declared, and it had the support of the overwhelming majority of the members of the international community. The moment was one of decision; the Council for Namibia believed that firm action by the Security Council must be taken as early as possible to force South Africa to comply with the resolutions of the United Nations and to fulfil the original commitment of the United Nations to support the aspirations of the Namibian people to freedom and independence in a united Namibia.

ALGIERS DECLARATION AND PROGRAMME OF ACTION ON NAMIBIA

Adopted by the United Nations Council for Namibia at Algiers on 1 June 1980

I. DECLARATION

1. The United Nations Council for Namibia held a series of extraordinary plenary meetings at Algiers from 28 May to 1 June 1980. The meetings were held in accordance with General Assembly resolution 34/92 A of 12 December 1979 in order to carry out an appraisal of the critical situation in Namibia resulting from the continued illegal occupation of the Territory by South Africa and a review of the current efforts of the United Nations to implement the resolutions of the Security Council, in particular, resolutions 385 (1976) and 435 (1978). Such an appraisal assumed greater urgency in view of the insidious schemes of South Africa aimed at installing a neo-colonial puppet regime in Namibia, to the total exclusion of the South West Africa People's Organization (SWAPO), which is recognized by the United Nations General Assembly as the sole and authentic representative of the people of Namibia and is a respected member of the international community.

2. Inaugurating the extraordinary plenary meetings of the Council, His Excellency Mr. Mohamed Seddik Benyahia, Minister for Foreign Affairs of Algeria, stated:

". . . The people of Namibia have a right to expect, at this critical stage for Namibia's future, that the international community will render it decisive moral and material support . . . On this African soil which today hosts your Council, the Algerian people, who until only recently were oppressed and exploited, cannot but display their firm solidarity with the people of Namibia as they have done in the past with regard to the genuine initiatives aimed at the liberation of peoples. Having won its independence after a long armed struggle of national liberation, Algeria appreciates the exemplary nature of SWAPO's struggle for the emancipation of Namibia and its rejection of the barbarous practice of *apartheid*. The very history of decolonization has shown that liberation can be born only out of peoples' own struggle. Independence has always been won by violent actions and many-sided struggles against totalitarian regimes which had denied the very existence of freedom or based social order on so-called racial superiority."

3. Greeting the Council on the occasion, the Secretary-General of the United Nations said in a message:

"The Council has fully succeeded in presenting to the international community the nature of the problems at stake in Namibia . . . The choice (in Namibia) is clearly between a conflict which risks daily escalation or the rapid transfer of power to the people of Namibia on the basis of free and fair elections under the supervision and control of the United Nations."

4. In the weeks preceding its extraordinary plenary meetings, the Council sent missions of consultation to Australia, Barbados, Canada, Cuba, Ecuador, France, Federal Republic of Germany, Guyana, Jamaica, Mexico, New Zealand, Panama, Trinidad and Tobago, the United Kingdom and the United States. The missions held consultations and exchanged views at the highest possible political level in order to identify ways in which efforts could be intensified to secure implementation of the resolutions of the General Assembly and the Security Council designed to ensure the speedy independence of Namibia. Another mission of the Council is expected to leave at the conclusion of these extraordinary plenary meetings for similar consultations with the Governments of the Libyan Arab Jamahiriya, Kuwait and Iraq.

5. The Council considers that its extraordinary plenary meetings at Algiers, coming in the wake of the independence of Zimbabwe, have marked a new stage in the struggle for the independence of Namibia at a time when colonialism and racism are making desperate attempts to prevent their final disappearance from the face of the earth. It hails the victory of the Patriotic Front forces in Zimbabwe as the victory of all the liberation forces in southern Africa, one which has provided a powerful inspiration to the oppressed people of South Africa and laid the foundations for the early independence of Namibia.

6. The General Assembly, in its resolution 2145 (XXI) of 27 October 1966, declared Namibia a direct responsibility of the United Nations. In its resolution 2248 (S-V) it established the Council with the responsibility of administering the Territory until independence. Despite the consistent efforts undertaken by the United Nations since that date, the aspirations of the Namibian people for self-determination, freedom and national independence remain unfulfilled. South Africa has continuously defied all demands of the General Assembly and the Security Council to withdraw its illegal administration from the Territory and allow the Namibian people to achieve self-determination, freedom and national independence in a united Namibia on the basis of free and fair elections under United Nations supervision and control. The refusal of South Africa to comply with the resolutions of the United Nations on the question of Namibia constitues a grave challenge to the authority of the United Nations.

7. In view of the background of South Africa's continued illegal occupation of Namibia and its persistent refusal to co-operate with the United Nations in efforts designed to terminate peacefully that occupation, the people of Namibia have had to resort to armed struggle to protect their national integrity and to strive for the liberation of their country, under the

leadership of SWAPO, their sole and authentic representative. As a result of that intensification, heavy losses in personnel and equipment have been inflicted on the South African army and its morale is being constantly undermined by the heroic stand of the Namibian patriots leading to cases of desertion, refusal of service and conscientious objection.

8. Namibian patriots today, therefore, face a ruthless escalation of the brutal and repressive actions by which the colonialist and racist illegal administration of South Africa intends to perpetuate its exploitation of the people and resources of Namibia. The Namibian people are being subjected to constant harassment, detention and inhuman practices as well as to massive displacement of communities, to serve the military objectives of the illegal occupation regime. Mercenaries are being constantly recruited to participate in the genocidal violence unleashed by the racist exploiters in an attempt to break the spirit of Namibian patriots conducting a courageous war of national liberation in the Territory. Members and supporters of SWAPO are being jailed, tortured and killed for resisting racist oppression and exploitation in their country. The illegal South African occupation regime continues to increase its militarization of the Territory, where it maintains over 70,000 troops and a continuously expanding number of military bases. South Africa has also attempted to increase its intimidation of independent African countries through the development of a nuclear weapons capability which further threatens international peace and security.

9. The Council strongly condemns the continuous and systematic aggression which has been committed by the racist regime of South Africa against both Zambia and Angola, the latest instance being the armed aggression against Angola on Sunday, 25 May 1980, resulting in substantial destruction of property and the loss of over 200 Angolan lives.

10. At the same time that the Pretoria regime is unleashing this reign of terror and death against SWAPO and against neighbouring African States, it is engaged in a number of manoeuvres whose undisputed purpose is the creation of administrative structures controlled by neo-colonialist puppets under an entity which would be masquerading as an independent government but which would, in fact, be a tool of Pretoria's expansionist and exploitative designs in southern Africa.

11. These manoeuvres are being relentlessly and determinedly carried out by South Africa behind the facade of its apparent willingness to negotiate with the United Nations on the implementation of Security Council resolution 435 (1978). South Africa's deliberate prevarication and delaying tactics throughout these negotiations and its most recent response of 12 May 1980 in respect of the proposed establishment of a demilitarized zone between Namibia and Angola and Namibia and Zambia in the context of implementation of that resolution, constitute yet further confirmation of its contempt for the United Nations, its desire to perpetuate its illegal occupation of the Territory, to frustrate the achievement of the legitimate aspirations of the Namibian people to self-determination and

national independence and to deceive the international community into acquiescing in these efforts. The Council expresses its deep concern at the most recent response of the South African Government. The Council concludes that the response is a negative step which indicates that South Africa is not prepared to implement the United Nations plan for Namibia.

12. The Council deplores the fact that South Africa's Western collaborators have permitted the pursuit of these insidious manoeuvres by refusing to exert the necessary pressure on the Pretoria regime to comply with the decisions of the United Nations on Namibia. The Council also deplores in the strongest terms the fact that these States have continued their collaboration with the racist regime, thus fortifying it in its defiance of the United Nations. This collaboration continues even in the face of South Africa's continued contempt for the settlement plan originally proposed by the Western Powers and accepted by the international community.

13. The Council vehemently condemns the colonialist and racist regime of South Africa for its systematic attempts to perpetuate its illegal occupation of the Territory of Namibia and to undermine and eliminate SWAPO as the sole and authentic representative of the people of Namibia. The Council also condemns in the strongest terms South Africa's attempts at undermining the unity and the national and territorial integrity of Namibia. In this regard, it vigorously condemns South Africa's bantustanization policies, its policy and practice of *apartheid*, and its unilateral and illegal acts, such as the extension of the territorial sea and the proclamation of an economic zone off the coast of Namibia.

14. The Council declares that Namibia must accede to independence with its territorial integrity intact, including Walvis Bay. The Council unequivocally reaffirms the relevant decisions of the General Assembly and of the Security Council to the effect that Walvis Bay is an integral part of Namibia and that any action by South Africa to separate Walvis Bay from Namibia is illegal, null and void. The Council further reaffirms that the territorial integrity of Namibia is inviolable and that any additional steps which South Africa may undertake in the future to undermine the unity and integrity of Namibia are illegal, null and void.

15. The Council reaffirms its support for SWAPO as the sole and authentic representative of the Namibian people. The Council also commends the heroic people of Namibia, under the leadership of their liberation movement, SWAPO, for having intensified the armed struggle for the liberation of their Territory from South Africa's illegal occupation. At the same time, the Council considers it proof of SWAPO's statemanship and its love of peace that it has displayed sincerity, flexibility and a spirit of accommodation throughout the process of negotiations and has always expressed readiness to participate in fair and free elections.

16. The Council reaffirms its solidarity with the southern African frontline States which have been forced by South Africa to pay such a high

price, both in terms of life and of property, for their devotion to freedom and national independence in the region.

17. The Council reaffirms that the natural resources of Namibia are the inviolable heritage of the Namibian people. The rapid depletion of the natural resources of the Territory as a result of the systematic plunder by foreign economic interests in collusion with the illegal South African administration is a grave threat to the integrity and prosperity of an independent Namibia. In particular, the continuous illegal exploitation of Namibian uranium is to the detriment of Namibia and its people. It was in this context that the Council declared in its Decree No. 1 for the Protection of the Natural Resources of Namibia that "no person or entity, whether a body corporate or unincorporated, may search for, prospect for, explore for, take, extract, mine, process, refine, use, sell, export, or distribute any natural resource, whether animal or mineral, situated or found to be situated within the territorial limits of Namibia without the consent and permission of the United Nations Council for Namibia or any person authorized to act on its behalf for the purpose of giving such permission or such consent". The Council underlines the importance of effective implementation of this Decree, which was approved by the General Assembly at its twenty-ninth session, on 13 December 1974, and condemns its violations, including the illegal exploitation of Namibia's marine resources in its territorial waters.

18. The Council solemnly reaffirms its unswerving commitment to the service of the Namibian people. The creation of the United Nations Fund for Namibia, the establishment of an indicative planning figure for Namibia in the United Nations Development Programme, the establishment of the United Nations Institute for Namibia at Lusaka, with the support of the Government of Zambia, and the Nationhood Programme for Namibia represent areas of positive benefit for the people of Namibia. In 1980 the Council, with the support of the Government of Angola and the assistance of the International Labour Organisation, is establishing a basic vocational centre to be situated in Angola to contribute to the increase of the productive skills of Namibia.

19. The Council expresses its appreciation for the generous support which Member States have been giving to SWAPO, the United Nations Fund for Namibia, the United Nations Institute for Namibia and the Nationhood Programme for Namibia, thus facilitating the expansion of programmes of assistance to the Namibian people.

II. PROGRAMME OF ACTION

20. Having assessed the current situation in Namibia, the Council considers that, in view of South Africa's continued illegal occupation of Namibia, its intransigence as demonstrated most recently by its communication to the Secretary-General dated 12 May 1980, along with its repeated acts of armed aggression against the people of Namibia and

the neighbouring African States, the situation in Namibia constitutes a threat to international peace and security. It accordingly adopts the following programme of action in order to ensure South Africa's compliance with the resolutions and decisions of the United Nations on Namibia and to attain the objective of peace in the region.

21. The Council invites the attention of the Security Council to the present critical situation in Namibia and requests it to convene urgently to impose comprehensive and mandatory sanctions on South Africa as provided for under Chapter VII of the Charter of the United Nations.

22. The Council calls on the international community to intensify efforts for the complete and effective isolation of South Africa and, in this regard, calls for the exposure to the widest international scrutiny of those foreign economic and other interests whose collaboration with the racist Pretoria regime buttresses the machinery of exploitation in Namibia and contributes to the perpetuation of the subjugation of the people of the Territory.

23. The Council urges all Member States not to recognize any so-called internal settlement of the question of Namibia. Free and fair elections under the supervision and control of the United Nations are an essential prerequisite to any peaceful settlement in Namibia.

24. The Council calls upon the international community to increase all possible support to every plan of action which would enable SWAPO to pursue its strategies in the military, political and diplomatic fields and so disabuse South Africa of any notion that it can rest secure on its alleged military strength.

25. The Council decides to promote every effort for the speedy implementation of Decree No. 1 for the Protection of the Natural Resources of Namibia. Steps will be taken to strengthen the legal basis of Decree No. 1 by clarifying the existing link between the Decree and the relevant resolutions of the Security Council to make it more effective in those countries whose Governments consider it to be a mere recommendation of the General Assembly. The Council will continue to monitor the illegal exploitation of Namibian uranium to reveal to the international community the reckless and destructive actions of South African and other foreign economic interests against the welfare of the Namibian people. As a first step, the Council will conduct hearings on Namibian uranium in July 1980 to determine what further action can be taken by the United Nations to ensure compliance with the decisions of the General Assembly.

26. The Council calls upon the international community, in solidarity with the southern African front-line States which have borne and continue to bear great sacrifices on behalf of the oppressed people of Namibia, to intensify efforts to render as a matter of urgency all support and assistance which would enable them better to exercise their legitimate right of self-defence in respect of South Africa.

27. The Council calls upon the Security Council to declare categorically that Walvis Bay is an integral part of Namibia and that the question should not be left as a matter for negotiation between an independent Namibia and South Africa.

28. The Council will undertake all necessary action to ensure that South Africa's false claims with respect to the Penguin and other islands along the coast of Namibia are declared illegal, null and void by the relevant organs of the United Nations.

29. The Council, recalling the Maputo Declaration of 1977, recommends that the General Assembly should request the Secretary-General to prepare, in consultation with the President of the Council and in co-operation with the Organization of African Unity, for consideration by the Assembly at its thirty-fifth session, a proposal to convene in 1981 an international conference in support of the struggle of the Namibian people.

30. The Council, mindful of South Africa's communication to the Secretary-General of 12 May 1980, urges the international community to join in a massive campaign of mobilizing international opinion against South Africa and its illegal occupation of Namibia, giving massive public exposure to the Pretoria regime's acts of terrorism against SWAPO members and supporters as well as against neighbouring independent African States and its attempts to undermine SWAPO as the sole and authentic representative of the people of Namibia and to confer legitimacy on its puppets.

31. The Council intends, through the organization of seminars on Namibia and related activities, systematically to expand contacts with non-governmental organizations, journalists, students, trade unions and others, in order to promote the cause of the struggle of the people of Namibia for freedom and independence.

32. The Council decides to counter South Africa's acts to extend illegally, in its own name, the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia. The Council intends to use its own authority to extend the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia.

33. Against the background of the preceding analysis of the current situation in Namibia, in this final phase of the liberation struggle of the people of Namibia, the Council solemnly renews its commitment to the mandate conferred upon it by the General Assembly and dedicates itself afresh, and with the utmost energy, to fulfilling the terms of that mandate. In this regard, it considers that the Programme of Action represents a commitment to SWAPO and to the people of Namibia, and expresses its determination to continue to explore all possible options which would help to hasten South Africa's withdrawl from Namibia and the recovery by the people of that Territory of their freedom and independence.

DECREE NO. 1 FOR THE PROTECTION OF THE NATURAL RESOURCES OF NAMIBIA

Adopted by the United Nations Council for Namibia on 27 September 1974

Conscious of its responsibility to protect the natural resources of the people of Namibia and of ensuring that these natural resources are not exploited to the detriment of Namibia, its people or environmental assets, the United Nations Council for Namibia enacts the following decree:

DECREE

The United Nations Council for Namibia,

Recognizing that, in the terms of General Assembly resolution 2145 (XXI) of 27 October 1966, the Territory of Namibia (formerly South West Africa) is the direct responsibility of the United Nations,

Accepting that this responsibility includes the obligation to support the right of the people of Namibia to achieve self-government and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960,

Reaffirming that the Government of the Republic of South Africa is in illegal possession of the Territory of Namibia,

Furthering the decision of the General Assembly in resolution 1803 (XVII) of 14 December 1962, which declared the right of peoples and nations to permanent sovereignty over their natural wealth and resources,

Noting that the Government of the Republic of South Africa has usurped and interfered with these rights,

Desirous of securing for the people of Namibia adequate protection of the natural wealth and resources of the Territory which is rightfully theirs,

Recalling the advisory opinion of the International Court of Justice of 21 June 1971,

Acting in terms of the powers conferred on it by General Assembly resolution 2248 (S-V) of 19 May 1967 and all other relevant resolutions and decisions regarding Namibia,

Decrees that

1. No person or entity, whether a body corporate or unincorporated, may search for, prospect for, explore for, take, extract, mine, process, refine, use, sell, export, or distribute any natural resource, whether animal or mineral, situated or found to be situated within the territorial limits of

Namibia without the consent and permission of the United Nations Council for Namibia or any person authorized to act on its behalf for the purpose of giving such permission or such consent;

2. Any permission, concession or licence for all or any of the purposes specified in paragraph 1 above whensoever granted by any person or entity, including any body purporting to act under the authority of the Government of the Republic of South Africa or the "Administration of South West Africa" or their predecessors, is null, void and of no force or effect;

3. No animal resource, mineral, or other natural resource produced in or emanating from the Tertitory of Namibia may be taken from the said Territory by any means whatsoever to any place whatsoever outside the territorial limits of Namibia by any person or body, whether corporate or unincorporated, without the consent and permission of the United Nations Council for Namibia or of any person authorized to act on behalf of the said Council;

4. Any animal, mineral or other natural resource produced in or emanating from the Territory of Namibia which shall be taken from the said Territory without the consent and written authority of the United Nations Council for Namibia or of any person authorized to act on behalf of the said Council may be seized and shall be forfeited to the benefit of the said Council and held in trust by them for the benefit of the people of Namibia;

5. Any vehicle, ship or container found to be carrying animal, mineral or other natural resources produced in or emanating from the Territory of Namibia shall also be subject to seizure and forfeiture by or on behalf of the United Nations Council for Namibia or of any person authorized to act on behalf of the said Council and shall be forfeited to the benefit of the said Council and held in trust by them for the benefit of the people of Namibia;

6. Any person, entity or corporation which contravenes the present decree in respect of Namibia may be held liable in damages by the future Government of an independent Namibia;

7. For the purposes of the preceding paragraphs 1, 2, 3, 4 and 5 and in order to give effect to this decree, the United Nations Council for Namibia hereby authorizes the United Nations Commissioner for Namibia, in accordance with resolution 2248 (S-V), to take the necessary steps after consultations with the President.

DPI/672—41134—August 1980—30M